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030304

BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 100 EAST
FALLS CHURCH, VA 22042-1248
USA

(703) 205-8000
FAX: (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

OTHER OFFICES:
CARLSBAD, CALIFORNIA
COSTA MESA, CALIFORNIA
LOS ANGELES, CALIFORNIA

17858 U.S. PTO
10/790746
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Date: March 3, 2004

Docket No.: 0756-0124P

MS PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b), is a Continuation-In-Part application of U.S. 09/720,338 filed on December 22, 2000. The present application is filed on behalf of the inventor(s) according to the provisions of 37 C.F.R. § 1.41(c).

Inventor(s): Franz Paul ARMBRUSTER, Wolfgang VOELTER, Jens TAMPE (formerly SCHWING), and Christian BIRKMAYER

For: FUNCTIONAL VITAMIN D DERIVATIVES AND METHOD OF DETERMINING 25-HYDROXY- AND 1a,25-DIHYDROXY VITAMIN D

Enclosed are:

- ☒ A specification consisting of forty-three (43) pages
- ☒ Sixteen (16) sheet(s) of formal drawings
- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Applicant does not claim priority

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- ☒ Applicant claims the right of priority under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a) based on Application No(s). 19828379.2 and 19840435.2 filed in Germany on June 25, 1998 and September 4, 1998, respectively..
- ☐ Certified copy(ies) is(are) attached hereto.
- ☒ Certified copy(ies) will follow.
- ☒ Priority of U.S. Application 09/720,338, filed December 22, 2000, which is the National Stage Application of PCT International Application No. PCT/EP99/04418 filed on June 25, 1999, is claimed under 35 U.S.C. § 120.
- ☒ Executed Declaration in accordance with 37 C.F.R. § 1.64 will follow
- ☐ An assignment of the invention
- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement, PTO-1449 with reference(s)
- ☐ Other:

The filing fee has been calculated as shown below:

| | | | LARGE ENTITY | SMALL ENTITY |
|---|-----------------|-----------------|---------------|---------------|
| | BASIC FEE | | \$770.00 | \$385.00 |
| | NUMBER FILED | NUMBER EXTRA | RATE FEE | RATE FEE |
| TOTAL CLAIMS | 10- 20 = | 0 | X 18 = \$0.00 | x 9 = \$0.00 |
| INDEPENDENT CLAIMS | 2- 3 = | | x 86 = \$0.00 | x 43 = \$0.00 |
| MULTIPLE DEPENDENT <input type="checkbox"/> CLAIMS PRESENTED | | | + \$290.00 | + \$145.00 |
| TOTAL | | | \$0.00 | \$385.00 |


- ☒ A check in the amount of \$385.00 to cover the filing fee and recording fee (if applicable) is enclosed.

- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.
- ☒ Please send correspondence to:
BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Mark J. Nuell, #36,623

DRN/TBS/bsh
0756-0124P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment (s)

(Rev. 02/13/2004)